THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10197 of 2004

DATED:23.03.2006

Between:

M/s S.V.R. Hotel, represented by its partner, I.Venkat Reddy

..Petitioner

And

The Assistant Provident Fund Commissioner, Barkatpura, Hyderabad. and others.
..Respondents

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WRIT PETITION No.10197 of 2004

ORDER:

The petitioner is an establishment covered by the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ('the Act', for brevity). The first respondent passed orders under Section 7A and 7Q of the Act on 01-03-2004, directing the petitioner to pay a sum of Rs.3,60,788/- towards arrears of provident fund within a period of ten days. The petitioner was also informed that action as contemplated under Section 14B and Section 8 of the Act would be initiated, if the petitioner fails to pay the amount. Aggrieved by the same, the present writ petition is filed raising various grounds.

This Court while admitting the writ petition passed interim orders in W.P.M.P.No.12951 of 2004, dated 24-06-2004, directing the respondents not to take any coercive steps against the petitioner until further orders. The respondents have now come forward with W.V.M.P.No.1263 of 2005 praying this Court to vacate the interim order. The matter is heard finally and is being disposed of with the consent of the contesting parties.

In the counter affidavit filed by the first respondent, a preliminary objection is raised to the effect that under Section 7-I of the Act, the petitioner has an effective alternative remedy to file an appeal before the duly constituted authority. This aspect of the matter is not denied, and therefore, without expressing any opinion on the merits of the case, liberty is given to the petitioner to file an appeal before the appellate authority within a period of four weeks from the date of receipt of a copy of this order. As and when such appeal is filed, the appellate authority may consider and dispose of the same.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

Dated:23.03.2006

GJ